



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

JRE  
Docket No: 2959-00  
16 November 2000



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 13 November 1962. You were evaluated by a board of medical survey on 23 July 1964, and given a diagnosis of Osgood Schlatter's disease, right knee. The survey report indicates that you had had difficulty with your right leg since the age of 5, and had experienced periodic swelling and pain, as well as episodes of giving way of the knee joint, prior to enlisting in the Marine Corps. The survey board determined that your condition was not incurred in or aggravated by your service, and recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You apparently agreed with those findings, as you declined to submit a statement in rebuttal thereto or to request a hearing before a physical evaluation board, and you requested that you be administratively discharged as soon as possible. You were discharged in accordance with your request on 20 August 1964.

As the available evidence does not demonstrate that your condition was incurred in or aggravated by your naval service, the Board was unable to recommend any corrective action. Accordingly, your application has been denied. The names and votes of the members of the

panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director